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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,569	05/17/2000	Robert I.G. McLean	CI197-991100	7629
26379	7590	04/07/2006	EXAMINER	
DLA PIPER RUDNICK GRAY CARY US, LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 04/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/574,569	MCLEAN ET AL.	
	Examiner	Art Unit	
	Harish T. Dass	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/03/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-11, 13-24, 26-30, 32-39, 41-46 and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (US 6,321,205) in view of Phillips et al (hereinafter Phillips - US 6792399).

Re. Claim 1, Eder discloses an automated system and a computer based method for evaluating the probable impact of changes in business value and future value of a commercial enterprise accounting for tangible assets as intangible assets, [Eder - Abs; Fig. 1-16; C1 L17-L54], and

developing a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or, past event linked to each assumed variable that influences the corresponding assumed variable [Eder – see entire document particularly, [Eder - C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20; -- see C17 L52-L58 (The valuation of the current operation by the system requires sales, operation, finance, external database and human resource data for the three year period before and the four year period after the specified valuation date) and Abstract (generated changes in business value drivers on the other

value drivers, the financial performance and the future value of a commercial enterprise = future financial value streams));

determining, by use of the computer system, a first present value (PV) of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [Eder – C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67],

receiving as input into the computer system data from a user [Figure 4; C7 L10-L13; C8 L26-L67];

determining, by use of the computer system, in response to the occurrence or non-occurrence (different valuation methodology) of one or more of the future events, whether one or more of the assumed variables (estimated) have changed and whether the influenced future financial value stream has changed (comparing current value & previous value with different elements) [C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20; C44 L7-L67; C45 L57 to C46 L4].

Determining, by use of the computer system, a second present value of the future financial value stream taking into account the one or more assumed variables that changed in response to the occurrence or non-occurrence of the one or more of the future events [Eder - C28 L13-L60; C33 L24-L45].

Eder does not explicitly disclose data indicating the occurrence or non-occurrence of one or more of the future events. However, Phillips discloses this step [C25 L24-L36; C64 L36 to C66 L7 – see anticipated and unexpected] to estimate the

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present value of the expected firm (corporation, future value of commodity or an item) specific information (increase/decrease future value/income, sale, or etc.) For example; Exxon's future value based on the war in Iraq if the war continues for another few years or stops next month/year. Similarly, the price of oil as a commodity, it well keeps increasing or fall once the war is over or OPEC will make changes to its production. Example 2: Price of US corn in international market depends on the weather and harvest in other counties and for future option prices some of the factors are assumed, it may happen or not. Example 3: No one in Merck Pharmaceutical new that their drug Vioxx will be off the market due to raised questions about **heart problems**.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Eder and include occurrence or non-occurrence of one or more of the future events, as disclosed by Phillips, to analyze the impact of events on the future value of the corporation or a commodity.

Re. Claim 2, Eder discloses wherein determining the first present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized, and determining the second present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized taking into account an assessed probability that changed in response to the occurrence or non-occurrence of the one or more of the future events [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 3 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 5 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables, and determining the present value of the future financial value stream based upon the alternate scenario [C35 L35-L49; C44 L7 to C46 L4]; and

comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 6-7 Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream, and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; C14 table 7].

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Re. Claim 8, Eder discloses determining a variance between the first present value and the second present value taking into account the time value of money between the first and second dates; and attributing (Quantity) the variance between the first present value and the second present value to events that occurred between the first and second dates [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 9, Eder discloses an automated system and method for evaluating the probable impact of changes in business value and future value of a commercial enterprise accounting for tangible assets as intangible assets, [Eder - Abs; Fig. 1-16; C1 L17-L54], and

developing a data structure, by use of the computer system, including a plurality of future financial value streams, each future financial value stream having one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event linked to each assumed variable that influences the corresponding assumed variable [Eder - C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20 – see claim 1 above];

determining, by use of the computer system, a present value of each future financial value stream by aggregating the influences on the future financial value stream attributable to the assumed variables of the future financial value streams and adjusting the future financial value streams for a time value of money [C10 L41 to C12 L30; C17 L47-L67];

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receiving as input into the computer system data from a user [Figure 4; C7 L10-L13; C8 L26-L67];

aggregating the present value of each future financial value stream to form a first aggregate present financial value of the plurality of future financial value streams [table 1 C5 L31 to C6 L25];

determining, by use of the computer system, in response to the occurrence or non-occurrence of one or more of the future events for one or more of the future financial value streams, whether one or more of the assumed variables have changed and whether the influenced future financial value stream has changed [C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20]; and

forming a second aggregate present value of the plurality of future financial value streams taking into account the one or more assumed variables that changed in response to the occurrence or non-occurrence of the one or more of the future events [C 3 L60 to C4 L19; C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20].

Eder does not explicitly disclose data indicating the occurrence or non-occurrence of one or more of the future events. However, Phillips discloses this step [C25 L24-L36; C64 L36 to C66 L7 – see anticipated and unexpected] to estimate the present value of the expected firm (corporation, future value of commodity or an item) specific information (increase/decrease future value/income, sale, or etc.) For example; Exxon's future value based on the war in Iraq if the war continues for another few years or stops next month/year. Similarly, the price of oil as a commodity, it well keeps increasing or fall once the war is over or OPEC will make changes to its production. Example 2: Price

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of US corn in international market depends on the weather and harvest in other counties and for future option prices some of the factors are assumed, it may happen or not.

Example 3: No one in Merck Pharmaceutical new that their drug Vioxx will be off the market due to raised questions about heart problems.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Eder and include occurrence or non-occurrence of one or more of the future events, as disclosed by Phillips, to analyze the impact of events on the future value of the corporation or a commodity.

Re. Claim 10, Eder discloses wherein determining the present value of each future financial value stream further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized[C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 11, Eder discloses wherein each of the plurality (multiple) of future financial value streams is associated with activities of the business enterprise necessary to give rise to the events associated with the corresponding future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; see ref. claim 1].

Re. Claim 13 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables [C35 L35-L49; C44 L7 to C46 L4];

determining an aggregate present value of the plurality of future financial value streams based upon the alternate scenario [C35 L35-L49; C44 L7 to C46 L4], and

comparing the aggregate present value of the plurality of future financial value streams based upon the alternate scenario to the first aggregate present value of the plurality of future financial value streams based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 14-15, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second aggregate present value of the plurality of future financial value streams and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second aggregate present value of the plurality of future financial value streams [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 16, Eder discloses determining a variance between the first aggregate present value and the second aggregate present value taking into account the time value of money between the first and second dates; and attributing the variance between the first aggregate present value and the second aggregate present value to events that occurred between the first and second dates [C10 L40 to C11 L21; LC14 table 7].

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Re. Claim 17 Eder discloses developing a data structure, by use of the computer system, including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event for each assumed variable that influences the corresponding assumed variable [- C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20];

determining, by use of the computer system, a first present value of the future financial value stream of the business enterprise as of a first specified date by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C10 L41 to C12 L30; C17 L47-L67];

determining, by use of the computer system, a second present value of the future financial value stream of the business enterprise as of a second specified date by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C11 L36 to C12 L30; table 1 C5; C28 L13-L60; C33 L24-L45] and forecasting [C13 L54 to C14 L40; table 7], and determining a variance between the first present value and the second present value taking into account a time value of money between the first and second dates (delivery date variance), and attributing the variance between the first present value and the second present value to events that occurred between the first and second specified dates (Quantity) [C10 L40 to C11 L21; LC14 table 7].

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Re. Claim 18 Eder discloses wherein determining a first present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized, and determining the second present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 19, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 20, Eder discloses determining a present value of each of a plurality of additional future financial value streams and aggregating the present value of the future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Re. Claim 21 Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining a present value of a future financial value stream of the business enterprise [Figure. 2, 4, 7, 14-15; C11 L1 to C12 L30];

developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on the future financial value stream of

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the business enterprise from the perspective of the selected stakeholder and at least one future or past event linked to each assumed variable that influences the corresponding assumption [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20 – see claim 1 above]; and

determining, by use of the computer system, a present value of the future financial value stream of the business enterprise from the perspective of the selected stakeholder by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C11 L36 to C12 L30 ;].

Re. Claim 22 Eder discloses wherein determining the present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 23 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 24 Eder discloses selecting one or more additional stakeholder perspectives from among the plurality of stakeholder perspectives for determining the first present

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value of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; C14 table 7].

Re. Claim 26 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables, and determining the present value of the future financial value stream based upon the alternate scenario; and comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claim 27, Eder discloses determining a present value of each of a plurality of additional future financial value streams from the perspective of the selected stakeholder; and aggregating the present value of the future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Re. Claim 28, Eder discloses repeatedly determining and presenting a series of updated present values of the future financial value stream, each updated present value determined from the events and assumed variables in the data structure including any assumed variables that have changed in response to the occurrence or non-occurrence

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of one or more of the future events [C5 L16 to C6 L64; C24 L20-L33; C28 L13-L60; C33 L24-L45; C35 L35 to C37 L20; C44 L7 to C46 L4; C34 L21-L63; C39 L16-L35].

Re. Claim 29 Eder discloses developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event linked to each assumed variable that influences the corresponding assumed variable [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20 – see claim 1 above];

identifying and segregating risks specific to the future financial value stream from risks specific to the business enterprise or industry as a whole, and assigning probabilities to the events or assumed variables based on the identified risks [C35 L12 to C37 L20];

determining, by use of the computer system, a first present value of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables, adjusting the future financial values stream by the assigned probabilities, and further adjusting the future financial value stream for a time value of money [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67];

receiving as input into the computer system data from a user [Figure 4; C7 L10-L13; C8 L26-L67];

determining, by use of the computer system, in response to the occurrence or non-occurrence of one or more of the future events, whether one or more of the

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assumed variables have changed and whether the influenced future financial value stream has changed [C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20]; and

determining, by use of the computer system, a second present value of the future financial value stream taking into account the one or more assumed variables that changed in response to the occurrence or non-occurrence of the one or more of the future events [C28 L13-L60; C33 L24-L45].

Eder does not explicitly disclose data indicating the occurrence or non-occurrence of one or more of the future events. However, Phillips discloses this step [C25 L24-L36; C64 L36 to C66 L7 – see anticipated and unexpected] to estimate the present value of the expected firm (corporation, future value of commodity or an item) specific information (increase/decrease future value/income, sale, or etc.) For example; Exxon's future value based on the war in Iraq if the war continues for another few years or stops next month/year. Similarly, the price of oil as a commodity, it well keeps increasing or fall once the war is over or OPEC will make changes to its production. Example 2: Price of US corn in international market depends on the weather and harvest in other counties and for future option prices some of the factors are assumed, it may happen or not. Example 3: No one in Merck Pharmaceutical new that their drug Vioxx will be off the market due to raised questions about **heart problems**.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Eder and include occurrence or non-occurrence of one or more of the future events, as disclosed by Phillips, to

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analyze the impact of events on the future value of the corporation or a commodity.

Re. Claim 30 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 32, Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables;

determining the present value of the future financial value stream based upon the alternate scenario; and

comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 33-34, Eder selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

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Re. Claim 35, Eder discloses determining a variance between the first present value and the second present value taking into account the time value of money between the first and second dates; and attributing the variance between the first present value and the second present value to events that occurred between the first and second specified dates [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 36, Eder discloses determining a present value of each of a plurality of additional future financial value streams; and aggregating the present value of the first future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Re. Claim 37 Eder discloses developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event for each assumed variable that influences the corresponding assumed variable [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20];

determining, by use of the computer system, a present value of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money, wherein the events and assumed variables collectively form a base case scenario for the business enterprise,

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and the first present value of the future financial value stream is based upon the base case scenario [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C35 L12 to C37 L20];

changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables [C35 L35-L49; C44 L7 to C46 L4], and determining, by use of the computer system, the present value of the future financial value stream based upon the alternate scenario [C35 L35-L49; C44 L7 to C46 L4], and

comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claim 38 Eder discloses wherein determining the present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the financial value stream will be realized [C35 L35-L49; C44 L7 to C46 L4].

Re. Claim 39 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claims 41-42, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the present value of the future

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financial value stream and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the present value of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 43, Eder discloses determining a present value of each of a plurality of additional future financial value streams; and aggregating the present value of the first future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Re. Claim 44 Eder discloses developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event for each assumed variable that influences the corresponding assumed variables [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20];

determining, by use of the computer system, a first present value of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67]; and

repeatedly determining and presenting a series of updated present values of the future financial value stream, each updated present value determined from the events

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and assumed variables in the data structure including any assumed variables that have changed in response to the occurrence or non-occurrence of one or more of the future events [C5 L16 to C6 L64; C24 L20-L33; C28 L13-L60; C33 L24-L45; C35 L35 to C37 L20; C44 L7 to C46 L4; C34 L21-L63; C39 L16-L35].

Re. Claim 45 Eder discloses wherein determining the first present value and determining each updated present value further comprise adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 46 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 48 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables, and determining the present value of the future financial value stream based upon the alternate scenario; and comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 49-50, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 51, Eder discloses determining a variance between the first present value and the selected updated present value taking into account the time value of money between the first and second dates; and attributing the variance between the first present value and the selected updated present value to events that occurred between the first and second dates [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 52, Eder discloses determining a present value of each of a plurality of additional future financial value streams; and aggregating the present value of the first future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

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Claims 4, 12, 25, 31, 40 & 47 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eder and Phillips as applied to claims 1, 9, 21, 29, 37 & 44 above, and further in view of Pilipovic (US 6,456,982)

Re. Claims 4, 12, 25, 31, 40 & 47, Eder discloses determining a present value of the future financial value stream by aggregating influences on the future financial value stream attributable to past events [C10 L41 to C12 L30; C17 L5 to C18 L12; C19 L3-L20]. Eder, explicitly, does not disclose determining a reliability index that is indicative of relative magnitudes of the present value of the future financial value stream attributable to past events and the present value of the future financial value stream attributable to future events. However, Pilipovic discloses determining a reliability index (projection distribution) that is indicative of relative magnitudes of the present value of the future financial value stream attributable to past events and the present value of the future financial value stream attributable to future events [Figure 14b, 14d; C1 L21 to C2 L50; C3 L30-L38; C16 L10-L16]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art in financial reliability and risk assessment to modify the disclosure of Eder and include reliability index, as taught by Pilipovic, to calculate and predict the uncertain future value forecast and goal to meet.

Response to Arguments

2. In response to applicant's remark (page 1) recites "determine a present value of a future financial value stream" and applicant's remark (page 2) recites "Eder does not

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determine the value of individual future financial value streams of a business enterprise ...”

Eder (col. 10 lines 40-67) discloses present value “PV” (well known annuity formula in example form) with assumed variables (investor’s required interest rate) and (expected future cash flow in period $t = 1, \dots, n$). For example, a company is expecting to collect royalty for a brand name (Figure 14 – intangible value generating assets) for period of time, the company can calculate the future cash flow from this brand name in future based on assumed sale, interest rate, etc and reports this future income in its financial statement (Figure 15). Eder (col. 1 lines 19-22) discloses “impact of user-specified or system generated changes in business value drivers (income from brand name such as Coca Cola classic, Aqua, Canada Dry in different years with expected rate of return) on the other value drivers, ... enterprise.”, which means that the impact of user-specified (assumed) changes in business value drivers (financial value streams) on the other value drivers (capital driver – figure 2 # 181) (revenue driver figure 2 # 179) of company.

Revisiting Eder’s (col. 10 lines 40-67), which discloses “using the system described above, the value of the enterprise will be further broken down into tangible and intangible *elements* of value (data structure with two elements). ... An integral part of most income valuation models is the calculation of the present value (present value is well known financial term, which is defined as the present worth of future sums of money) of the **expected** cash flows, income or profits associated with the current-operation. The present value of a stream of cash flows is calculated by discounting the

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cash flows at a rate that reflects the risk associated with realizing the cash flow. For example, the present value (PV) of a cash flow of ten dollars (\$10) per year for five (5) years would vary depending on the rate used for discounting future cash flows (future value annuity or future financial value stream) as shown below calculation of present value of \$10 annuity at assumed discount value of 25% and 35%, which has future value of \$26.89 at 25% discount rate and \$22.20 at 35% discount rate.

Eder's disclosure of well known financial formula in example form for present value of an annuity can be found in any basic financial text book or can be derived from basic future value of investment compounded annually for series of payments, where

$$PV = F_1 \sum_{n=1}^p ([(1+i)^n])^{-1}$$

and further, it is well known to one of ordinary skill in the art of finance that change in interest rate has a single biggest impact on future value of incomes derived from annuities, mortgage and loans (from lender's prospective), etc. Particularly change in FED rate which may happen or not has the biggest impact on the market as well as companies (income/payments). This process can be repeated for every annuity at different interest rate and terms and investment,

$$PV = F_1 \sum_{n=1}^p ([(1+i)^n])^{-1} + F_2 \sum_{n=1}^q ([(1+j)^n])^{-1} + \dots + F_M \sum_{n=1}^r ([(1+k)^n])^{-1}$$

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It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made that a financial company can use the above formula to calculate total annuities and reported on its balance sheet such as Eder's Figure 15 ("cash", "marketable securities", "brand names"). For example, a company wants to borrow money for company improvement, it can calculate the company's income from different brands to show the lender that the company is sound and is able to pay the lender based on above annuities income.

Applicant's remark (page 1) recites "developing a data structure ..." Eder's discloses the data structure for one business value driver (brand name) with two assumed variables (interest rate "i" and future value "F") or $PV = f(F, i, n)$.

Applicant's claim reads "one or more", which only one assumed variable satisfies (change of "i" or "F") the claim limitation, and similarly "at least one future or, past event", discounting future cash flows satisfies this limitation. In reference to Eder's disclosure, two financial streams $PV_1 = \$26.89$ and $PV_2 = \$22.20$ will yield a total of \$49.09. These streams can be expanded to other types of annuities, etc.

In response to applicant's remark (page 3) recites "Phillips fails to disclose modeling future value streams of a business enterprise based on the occurrence or non-occurrence of "events." Applicant argues about limitation "modeling" which is not claimed. Further, primary reference discloses this modeling (see abstract - Monte Carlo model), and future value streams as explained above.

In response to applicant's argument that (page 7) that "Examiner has not cited any objective evidence on record of a motivation ..." In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, estimate the present value of the expected firm (corporation, future value of commodity or an item) specific information (increase/decrease future value/income, sale, or etc.) [see Phillips provided reference; C25 L24-L36; C64 L36 to C66 L7] and predicting the uncertain future value of company [see Pilipovic provided reference; C1 L21 to C2 L50; C3 L30-L38; C16 L10-L16].

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

4/3/06


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